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3 UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA
5 OAKLAND DIVISION
6

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 vs.

10 ERIC BARONNE MOORE,

11 Defendant.
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Case No: CR 12-0495 SBA

**ORDER ACCEPTING REPORT
AND RECOMMENDATION
REGARDING GUILTY PLEA**

Docket 640

14 On November 2, 2012, the Court referred this matter to Magistrate Judge Westmore
15 ("the magistrate") for a report and recommendation on the acceptance of Defendant's guilty
16 plea. Dkt. 390. On January 11, 2013, the Defendant appeared before the magistrate and,
17 with the assistance of counsel, waived his right to enter a guilty plea before a district judge
18 and instead consented to enter his plea in a hearing before the magistrate. See Dkt. 640.
19 The magistrate conducted a full hearing in the manner set forth in Federal Rule of Criminal
20 Procedure 11. Id. After the advisements set forth in Rule 11, the Defendant entered a
21 guilty plea in open court. Specifically, the Defendant pled guilty pursuant to a written plea
22 agreement to Count One of the Indictment charging Defendant with conspiracy to possess
23 with intent to distribute and to distribute heroin and cocaine in violation of 21 U.S.C. §§
24 846 and 841(a)(1), 841(b)(1)(B)(i), 841(b)(1)(C). Id. The magistrate found that Defendant
25 was fully competent and capable of entering an informed plea, that he was aware of the
26 nature of the charges and the consequences of the guilty plea, and that the guilty plea was
27 knowing and voluntary and supported by an independent factual basis. Id.
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1 On May 7, 2013, the magistrate issued a Report and Recommendation Regarding
2 Guilty Plea in which she recommends that this Court accept Defendant's guilty plea. Dkt.
3 640. The Report and Recommendation advises the parties that they may serve and file
4 specific written objections to the order within fourteen days after being served with a copy
5 of the order. Id. No written objections to the Report and Recommendation were filed prior
6 to the hearing. At the May 15, 2013 sentencing hearing in this matter, the parties indicated
7 that they have no objections to the Report and Recommendation. Accordingly,

8 IT IS HEREBY ORDERED THAT the magistrate's Report and Recommendation
9 (Dkt. 640) is ACCEPTED, the Defendant's guilty plea is accepted, and the magistrate's
10 Report and Recommendation shall become the order of this Court.

11 IT IS SO ORDERED.

12 Dated: 5/15/13

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14 SAUNDRA BROWN ARMSTRONG
15 United States District Judge
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